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**Assessment of the Citizen-Initiated
Complaint Process in
Mecklenburg County, North Carolina**

September 2015

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Mecklenburg County, North Carolina

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I. Background

In December 2014, the Mecklenburg County Criminal Justice Advisory Group (CJAG) and Criminal Justice Services engaged the Center for Court Innovation (the Center) and researchers from the University of North Carolina at Charlotte (UNCC) to conduct an assessment of the citizen-initiated complaint process in Mecklenburg County.

In several states, including North Carolina, a citizen may file a complaint against a fellow citizen at the Magistrate's Office, and a magistrate will determine whether there is probable cause to initiate criminal proceedings. For the purposes of this report, the "citizen-initiated complaint process" refers generally to the process of initiating criminal proceedings through a magistrate as it occurs in Mecklenburg County.

Mecklenburg County is home to a Private Citizen Warrant Court ("Citizen Warrant Court"), which was established in 2012 in response to the high volume of citizen-initiated summonses and warrants, with the broad goal of developing a targeted approach to handling citizen-initiated cases more efficiently. The Citizen Warrant Court offers dispute resolution via trained mediators as a means of bypassing the formal court process for certain misdemeanor offenses. The goal is to offer alternative processing that addresses the underlying issue, but stakeholders have questioned the efficiency of this process.

This report documents the information obtained during the assessment of Mecklenburg County's citizen-initiated complaint process. It provides the methodology of the assessment, an overview of the process, and key findings, and offers recommendations for improving the process.

II. Methodology

The Center for Court Innovation and UNCC worked with Mecklenburg County between January and September 2015 to complete this assessment. The process began with a review of a previous analysis of the citizen-initiated process¹ and preliminary discussions with key stakeholders.

Next, two Center staff members, Emily LaGratta and Natalie Reyes, conducted a site visit on February 9-10, 2015 alongside two researchers from the UNCC Department of Criminal Justice and Criminology, Shelley Listwan and Jennifer Hartman. The site visit included meetings with key stakeholders and observation of court proceedings in the Citizen Warrant Court, presided over by District Court Judge Donnie Hoover. The agenda for this site visit is below.

¹ Center staff reviewed a 2013 analysis of the citizen-initiated complaint docket, which was conducted as part of Mecklenburg County's Justice Reinvestment activities in partnership with the Bureau of Justice Assistance (included as APPENDIX A).

Center for Court Innovation/University of North Carolina at Charlotte Site Visit

February 9-10, 2015

Monday, February 9th

8:30-9:00	Meeting with Tom Eberly, Criminal Justice Director
9:00-11:30	Observation of Citizen Warrant Court, presided by Judge Donnie Hoover
11:30-12:30	Working Lunch
12:30-2:00	Meeting with Todd Nuccio, Trial Court Administrator of Mecklenburg County
2:00-5:00	Meeting with Katrina Watson, Chief Magistrate

Tuesday, February 10th

9:00-10:15	Meeting with Andrew Murray, District Attorney of Mecklenburg County
10:30-11:45	Meeting with Mary Williams & Donna Sullivan, Dispute Resolution
11:45-12:45	Working Lunch
1:00-2:00	Meeting with Captain Dominic Pellicone, Charlotte-Mecklenburg Police Department
2:00-3:00	Meeting with Kevin Tully, Public Defender of Mecklenburg County, and Tony Purcell, Assistant Public Defender
3:15-4:00	Debriefing between Center staff and UNCC researchers

After the site visit, Center staff conducted follow-up interviews with additional stakeholders, including:

1. Barton Menser, Deputy District Attorney, Mecklenburg County
2. Nick Miller, Citizen Warrant Court Assistant District Attorney, Mecklenburg County
3. Chief Jeanne Miller, Davidson Police Department
4. Captain Dominic Pellicone, Charlotte-Mecklenburg Police Department
5. Captain Roy Sisk, Matthews Police Department
6. Katrina Watson, Chief Magistrate, Mecklenburg County

In May 2015, the UNCC researchers and Center staff (who participated remotely) met with CJAG's Neighborhood Committee to discuss the background and purpose of the project, as well as the potential for additional data sources. In an effort to understand and document the number and types of cases processed through Citizen Warrant Court, Center staff reviewed 74 criminal complaint forms filed by citizens in Mecklenburg County between January 1, 2014 and December 31, 2014 to analyze user perceptions of the citizen-initiated complaint process. Additionally, researchers from UNCC collected 2014 data available through the Mecklenburg County Clerk of Superior Court's office and the Mecklenburg County Criminal Justice Services office.

In 2014, the court met on 29 occasions, and paper dockets for each of these occasions were collected that contained the file number, complaint number, complaint type, and the judgment (n=2,936). Given that an individual can bring multiple complaints against another individual, the UNCC researchers decided that the analysis of the docket data would be collapsed by defendant. In this case, the

defendant is the unit of analysis. Table 1 illustrates that the court processed 1,616 defendants during calendar year 2014.²

Additionally, mediation outcomes for the 2014 cases were collected from both the paper dockets and from data kept by the Dispute Settlement Program (n=889). Similar to the docket data, mediation data shows that while 889 complaints were referred to mediation, this number includes only 594 individual defendants.

Table 1. Data Sources

	Number of Complaints	Number of Defendants
Docket data	2,936	1,616
Mediation data	889	594

Finally, Center staff also conducted a cursory review of other states with citizen-initiated complaint processes and spoke with magistrates in Alabama, Georgia, and Virginia. This research helped provide additional context for the project and the resulting recommendations.

III. Mecklenburg County’s Citizen-Initiated Complaint Process

A detailed description of each stage in the process is described below, followed by a more comprehensive process flowchart.

As a summary of the process, a citizen may initiate a complaint directly to the Magistrate’s Office or with the assistance of or referral by the police department. In either case, a magistrate will then determine whether there is probable cause to “believe that a crime has been committed and that the person to be arrested [or issued a criminal summons] committed it.”³ If so, he or she will issue an arrest warrant (leading to an arrest of the accused) or a summons (leading to a subpoena ordering the person to appear to court). If not, the complaint is filed in the Magistrate’s Office. When cases have their first appearance in court, the District’s Attorney’s Office can redirect eligible citizen-initiated cases to the Citizen Warrant Court where they will have the opportunity to be mediated. Ineligible cases continue in the regular court process.

1) Police Department

Police are often the first point of contact for citizen-initiated complaints through 911 or 311 calls, online reports (at www.cmpd.org), or walk-ins at the local precinct, but reporting an incident to police is not a requirement for the citizen-initiated complaint process in Mecklenburg County. When police are notified

² Individuals who appeared across multiple dockets due to case continuances were only counted once.

³ North Carolina General Statutes § 15A-304(d) and § 15A-303(c).

of an incident but did not witness the offense or otherwise have the authority to make an arrest, officers often respond by issuing an incident report and directing the complainant to a magistrate to initiate criminal proceedings.⁴ In these cases, the responding officer completes a report with a unique complaint number that documents the incident as described by the complaining witness or victim. The officer provides this report to the complainant and explains that to proceed with the case, the individual must file the complaint at the Mecklenburg County Magistrate's Office. As discussed below, some stakeholders reported that it is common for police officers to direct complainants to "get a warrant" from a magistrate. However, interviewees also reported that police departments have encouraged their officers to shift the language they use with citizen complainants. For example, Charlotte-Mecklenburg Police Department Captain Pellicone recently sent an email to the department's 1,800 sworn officers instructing them to instruct citizens to go to the Magistrate's Office to "seek a charge."

An officer also has the option to refer a complainant directly to mediation through the county's Dispute Settlement Program, which will provide mediation at no cost to the parties involved.

Police contacts reported that officers follow up with all cases for which an incident report was created. Police can search in the county's electronic database to see if a warrant or summons was issued against an individual, in which case the incident would be considered cleared. If no warrant or citation is found in the system, an officer will call the complainant and ask how he or she has proceeded. If the complainant has decided to not go forward with the case, police will consider the case closed.⁵ According to some stakeholders, the working exception has been domestic violence cases.

2) Magistrate's Office

Addressing citizen-initiated complaints is just one function the Mecklenburg County magistrates serve. Citizens can go to the Magistrate's Office 24 hours a day, seven days a week, to initiate a complaint. Interpretation services are provided in person or by phone for complaining witnesses who do not speak English.

⁴ Under North Carolina General Statutes § 15A-401(b)(2), in the event that the officer does not have a warrant and the offense occurred out of presence of an officer, a warrantless arrest may be made if the officer has probable cause to believe that the individual:

- Has committed a felony;
- Has committed a misdemeanor, and:
 - (1) will not be apprehended unless immediately arrested (e.g., the suspect has no identification or refuses to provide identification information), or
 - (2) may cause physical injury to himself or others, or damage to property unless immediately arrested;
- Has violated a pretrial release order or committed certain other specific crimes, including shoplifting, criminal domestic trespass, DWI of a commercial vehicle, domestic violence violations, and certain assaults, such as assault inflicting serious injury or use of a deadly weapon, assault on a female, and assault by pointing a gun.

⁵ According to law enforcement representatives interviewed, incident reports for which the citizen complainant does not wish to proceed are marked as "refuse to cooperate" in the police database. Stakeholders indicated that this description is not necessarily an accurate reflection of what happens (e.g., the parties worked out the problem or the complainant is no longer angry so does not wish to continue), but that this is the only option the current database permits for this purpose.

A citizen may file a complaint at the Magistrate's Office with or without a police-issued incident report. State law requires that to issue a summons or a warrant for arrest, a magistrate be "supplied with sufficient information, supported by oath or affirmation, to make an independent judgment that there is probable cause to believe that a crime has been committed and that the person to be arrested [or issued a summons] committed it."⁶ According to stakeholders, every magistrate might follow a different process when receiving a complainant at the office. Generally, to determine probable cause, magistrates in Mecklenburg County review the complaint form (APPENDIX C) and the police incident report, if available, and take oral testimony from the complainant under oath or affirmation through the public window. The magistrates report that they consider all available evidence and testimony. It is not known, however, for what percentage of cases witnesses (other than officers) are available for sworn testimony, nor the percentage of cases where evidence other than sworn testimony is available. If additional evidence is needed, an officer may be advised to seek the charge on the citizen's behalf.

The magistrates are required to look up parties in the state's electronic data tracking system, the North Carolina Warrant Repository ("NCAWARE"). Additionally, magistrates have access to—and many report using—other databases including the Automated Criminal Infractions System ("ACIS") and the Criminal Justice Law Enforcement Automated Data Services ("CJLEADS") when evaluating a complaint.

If probable cause is found, the magistrate will issue a summons or an arrest warrant, and the case will be entered into NCAWARE. The summons or warrant will be executed by the corresponding sheriff's office or police department. If a person is issued a summons, he or she is required to appear in district court for the first appearance before a district court judge. If a person is arrested, he or she appears first before a magistrate to have charges read, conditions of release set, a court date set, and, if applicable, to be released into the custody of the jail.⁷ This is considered the initial appearance. If no probable cause is found, the complaint form is stored at the Magistrates' Office for at least one year. There is no appeal procedure for challenging a magistrate's probable cause determination. A police officer may re-present a complaint only if there is new or additional evidence in a case.

According to North Carolina state law, circumstances that a magistrate should take into account when considering whether to issue a summons or warrant include:⁸

- Failure to appear when previously summoned;
- Facts making it apparent that a person summoned will fail to appear;
- Danger that the person accused will escape;
- Danger that there may be injury to person or property; and
- The seriousness of the offense.

⁶ North Carolina General Statutes § 15A-304(d); *see also* § 15A-303(c).

⁷ North Carolina General Statutes § 15A-601. If a defendant is held in custody (e.g., after an arrest), first appearance must be held within 96 hours after the defendant is taken into custody or at the first regular session of the district court, whichever comes first.

⁸ North Carolina General Statutes § 15A-304(b).

Pursuant to a district court administrative order issued on May 5, 2015, there is a presumption that magistrates should issue a criminal summons (as opposed to an arrest warrant) for a citizen-initiated complaint supported by probable cause except in cases “for reasons of public safety or the severity of the alleged crime” (see APPENDIX D).⁹ Stakeholders reported that this presumption was not in practice before the administrative order was issued, and there is some concern that it will not be followed. Data analysis for this project did not include a comparison of summons issuances before and after the administrative order was enacted, which could reveal how practice may have changed.

Regardless of a probable cause finding, the magistrate also has the option to recommend mediation through the county’s Dispute Settlement Program.¹⁰ If mediation is not successful, the Dispute Settlement Program may return the referral to the magistrate who will consider whether to issue a summons or warrant, or take no action (e.g., if the magistrate finds no probable cause).

In summary, citizen-initiated complaints at the Magistrate’s Office may result in the following outcomes:¹¹

- Probable cause found and summons issued
- Probable cause found and warrant issued
- No probable cause found
- Other (e.g., referral to mediation)

3) First Appearance

Defendants are arraigned at the first appearance in district court. The judge informs the defendant of his rights and determines whether the charge against the defendant occurred within the jurisdiction of the court.¹²

The assistant district attorneys at first appearance review all cases and transfer citizen-initiated misdemeanor cases to the Citizen Warrant Court, with some exceptions. Exceptions include domestic violence cases, stalking cases, sexual batteries, and cases that a prosecutor does not believe will be resolved through mediation. Additionally, the district attorney’s office reported that a prosecutor may dismiss a case at first appearance if it has no merit or if there is insufficient evidence to prosecute.

4) Citizen Warrant Court

⁹ State of North Carolina, County of Mecklenburg, Administrative Order 15R676, May 5, 2015.

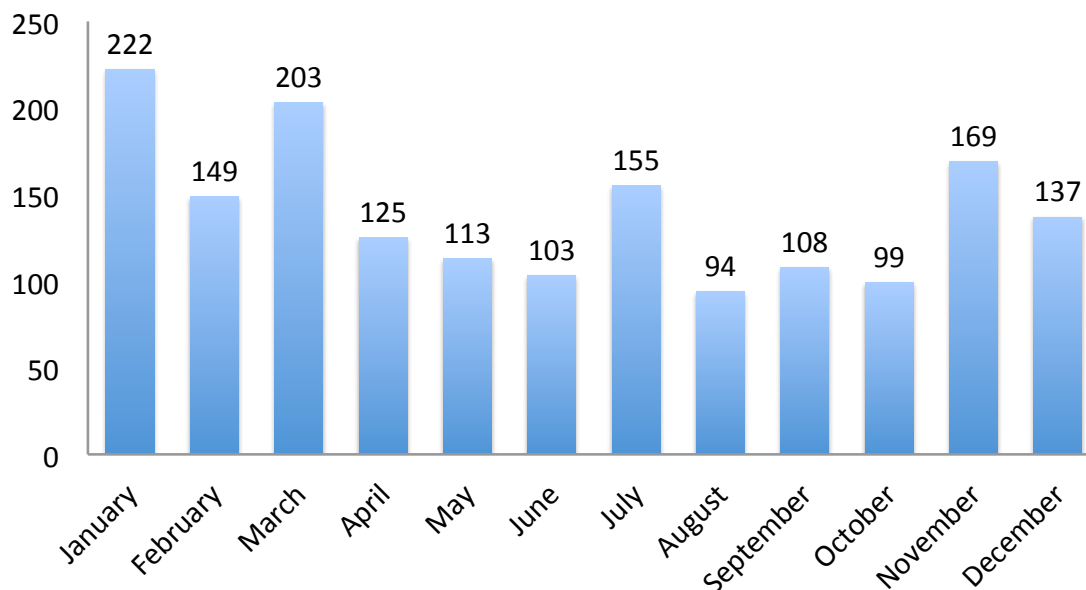
¹⁰ Representatives from the Magistrate’s Office reported that there is no available data on how frequently they recommend mediation.

¹¹ Researchers requested outcome data from the Magistrate’s Office, but this information was not available during the project period.

¹² North Carolina General Statutes § 15A-602, 603, & 604. Additionally, the judge must inform the defendant of the charges against him; determine that the defendant or his counsel has been furnished a copy of the process or order; and determine or review the defendant’s eligibility for release. North Carolina General Statutes § 15A-605.

Following the first appearance, eligible citizen-initiated cases are scheduled for a court date at the Citizen Warrant Court, which is also located in Mecklenburg County's 26th District Court building in Charlotte. All litigants are required to appear at this court date: the defendant, complaining witness / victim, and other witnesses, if any. Subpoenas for the complaining witness and other witnesses are served by telephone calls from the Sheriff's Office. In 2014, the Citizen Warrant Court was held every other week on Mondays, and as of January 2015, it is held one day per week (every Monday). It is presided over by one of three alternating district court judges. All three judges also sit on treatment court calendars at the District Court. There is one assistant district attorney and three rotating public defenders assigned to the docket. In 2014, the court processed an average of 135 cases each month. As can be seen in Figure 1, the number of defendants processed by month varies somewhat with the greatest number of cases appearing during the beginning of 2014.

Figure 1: Number of Defendants Processed by Citizen Warrant Court by Month, 2014



(n = 1616)

The assistant district attorney conducts a verbal roll call before the court session opens. At the beginning of each court session, the judge explains the history behind the creation of the Citizen Warrant Court,

the court and mediation process, and the fees involved with each outcome.¹³ If the parties agree to a settlement through mediation, a \$60 fee is required (usually paid by the defendant), and the case can be dismissed once the conditions reached through mediation are completed. Stakeholders reported that sometimes a case could be successfully mediated and dismissed on the same day. Alternatively, if the parties cannot resolve a case through mediation, the court cost of going to trial is \$180 and there may be other costs required by court-mandated programs. The assistant district attorney then conducts a second verbal roll call, and there are different paths a case can take depending on the parties present.

The defendant demographic data shows that the average defendant in the Citizen Warrant Court is 31 years of age (range 16-82), African American (72%),¹⁴ and male (57%).

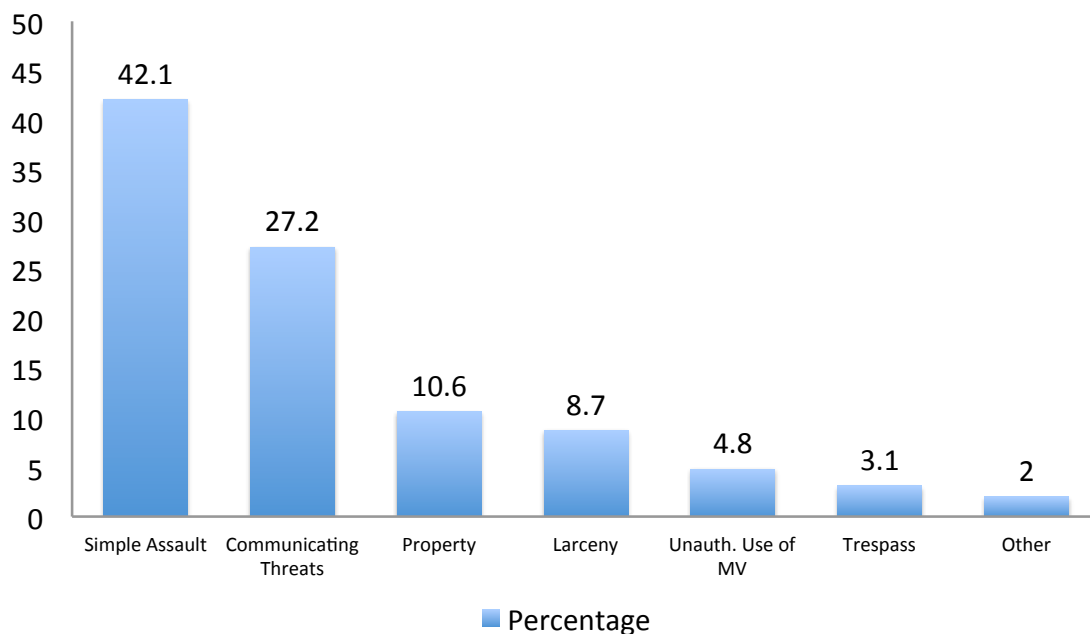
¹³ The docket's first presiding judge, Judge Theo X. Nixon, created a script that was provided to the court's current judges. During the Center's visit, one of the three current presiding judges, Judge Donnie Hoover, informed Center staff that the script was helpful to judges.

¹⁴ African American – 72%, Caucasian 21%; Hispanic 1.8% and other 1.4%

Types of Complaints

In 2014, there were a wide range of complaints that appeared on the dockets. As noted earlier, once the complaint makes it through the court processing it appears on the Citizen Warrant Court docket. Once heard, those complaints can yield different outcomes. As noted in Figure 2, the most frequently occurring complaint is simple assault followed by communicating threats (either by phone or internet). Those two types of complaints represent nearly 70% of the cases that are listed on the 2014 dockets.

Figure 2. Types of Complaints Processed by Citizen Warrant Court, 2014



Possible dispositions

The possible paths for a case at the Citizen Warrant Court, when both parties are present, include:

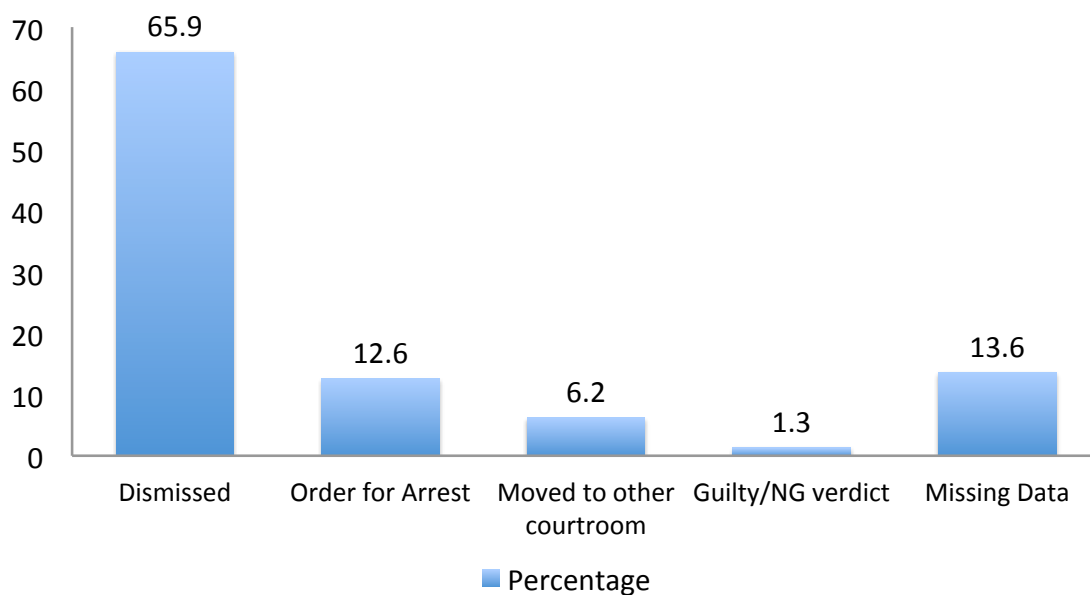
1. Mediation through the Dispute Settlement Program
2. Diversionary program, such as deferred prosecution¹⁵
3. Trial at the Citizen Warrant Court
 - Verdict: Guilty

¹⁵ Diversion was an option indicated by staff from the district attorney's office, but the use of this option was not reflected in the data analyzed.

- Verdict: Not Guilty
- 4. Transfer of case to a “trial court” where it will continue through the regular court process
- 5. Guilty plea at the Citizen Warrant Court
- 6. Dismissal

The analysis of the 2014 dockets revealed some interesting findings with regards to judgments rendered by the court. Figure 3 illustrates that the majority of the cases were voluntarily dismissed followed by an order for arrest and then transfer to the courtroom. Cases are voluntarily dismissed for a variety of reasons, including successful mediation, failure of a complainant to appear, and at the request of the complainant.

**Figure 3: Judgment Rendered by
Citizen Warrant Court, 2014**



If both parties are present in a case, the prosecutor can direct the parties to mediation (discussed in more detail below); if an agreement is reached through mediation, the case will be voluntarily dismissed. Alternatively, the prosecutor can consider a diversionary program. This usually only occurs when the parties do not accept mediation or a first attempt at mediation reveals it is unlikely to be successful. Alternate diversionary programs the prosecutor may consider include deferred prosecution, a behavioral intervention program, or substance abuse education programs.

If a disposition cannot be reached through mediation or a diversionary program, the case proceeds to trial at the Citizen Warrant Court or in a traditional trial part. According to the court’s assigned assistant

district attorney, the case will generally only be tried before the district court judge at the Citizen Warrant Court if it is ready to be tried on the same day.

On the other hand, if one or more parties are not present, the process will depend on who appears:

- Only defendant appears: If the prosecutor determines the case should continue based on the facts of the case (e.g., severity of charge, relationship between the parties), the prosecutor will request a new court date and notify the victim to appear then.
- Only complaining witness/victim appears: The prosecutor will request that the judge issue an order for the defendant's arrest. Once arrested, the defendant will be directed to this docket after his or her first appearance.
- Neither party appears: These cases are unlikely to go forward. Depending on the facts of the case (e.g., severity of charge, relationship between parties), the prosecutor may request that the judge issue a warrant for the defendant's arrest. However, if the complainant does not appear after being served more than once and/or the case does not seem strong (e.g., will be difficult to prove in court), the prosecutor will likely request a dismissal.

Stakeholders estimate that one or both parties will not be present in approximately 50% of the cases per docket. Analysis of the 2014 dockets indicates that 42.7% of the cases were continued at least once, which may be contributing to the failure to appear rates.

Mediation

When parties agree to mediation, they are directed to certified mediators who are present in the courtroom and are volunteers for Charlotte-Mecklenburg's Dispute Settlement Program.¹⁶ Volunteer mediators receive 16 hours of training and engage in an apprenticeship program before being certified by the program.¹⁷

In a private room within the courthouse, the mediator explains the mediation process and confidentiality rules, and the parties must sign an Agreement to Mediate (APPENDIX E) before proceeding. The goal of mediation is for parties to reach a settlement agreement. Depending on the case and the relationship between the parties, there are many types of agreements that can be reached. These may include restitution, participation in a court or social service provider program, or a written letter of apology. If the parties reach a resolution, they sign a Memorandum of Understanding (APPENDIX F) containing the parties' understanding of the issues discussed and actions to be taken and a letter to the

¹⁶ This is a program of Charlotte-Mecklenburg Community Relations (CRC), the human relations agency of the City of Charlotte and Mecklenburg County. For more information, see <http://chameck.org/city/charlotte/CRC/DisputeSettlement/Pages/default.aspx>. While many mediators who work with the court are volunteers, on occasion, staff from the Dispute Settlement program may also mediate the case.

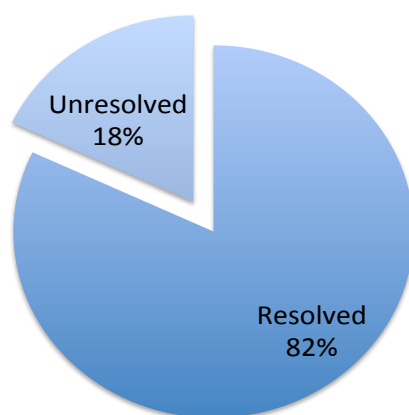
¹⁷ The apprenticeship consists of observing the mediation of four cases, co-mediating four cases, and mediating four cases.

District Attorney (APPENDIX G) stating that an agreement has been reached and requesting a dismissal of the charges.

Afterwards, they return to the Citizen Warrant Court and the judge will call the case. The judge will review the agreement, and if he or she finds it acceptable, will mandate payment of the \$60 fee and dismiss the case. The judge will generally only continue the case if the parties need more time to make this payment. Of the total fee, \$57 goes to the Dispute Settlement Program and \$3 goes to the Mediation Network of North Carolina for training purposes. As mentioned above, this is a third of traditional court fees if a case goes to trial.

In 2014, 889 cases (approximately 590 defendants¹⁸) were referred to mediation from the Citizens Warrant Court. Outcomes of the referral to mediation are collected by the Dispute Settlement Program. By only examining cases where mediation was attempted (n=330), the Dispute Settlement Program was able to successfully mediate 82% of the cases (see Figure 4).

Figure 4. Percentage of cases resolved through mediation by the Dispute Settlement Program, 2014

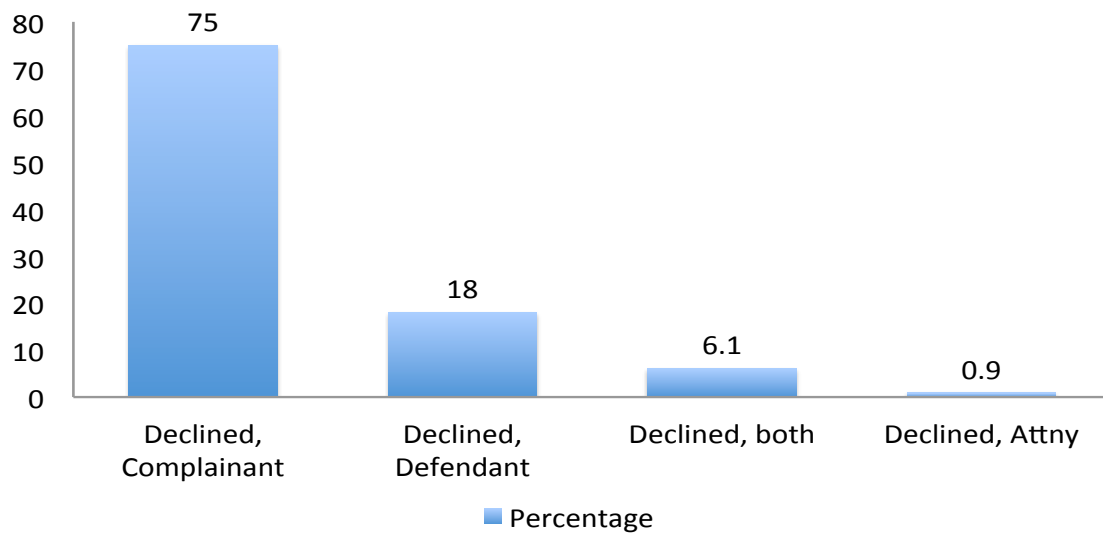


n = 330

However, there were a number of times where the option to mediate was declined. According to the data collected by the Dispute Settlement Program, approximately 20% of those who were offered mediation services declined to participate. Figure 5 illustrates the party most likely to decline services was the complainant.

¹⁸ Given one individual can bring multiple complaints to the court, we examined the number of defendants who were referred to mediation.

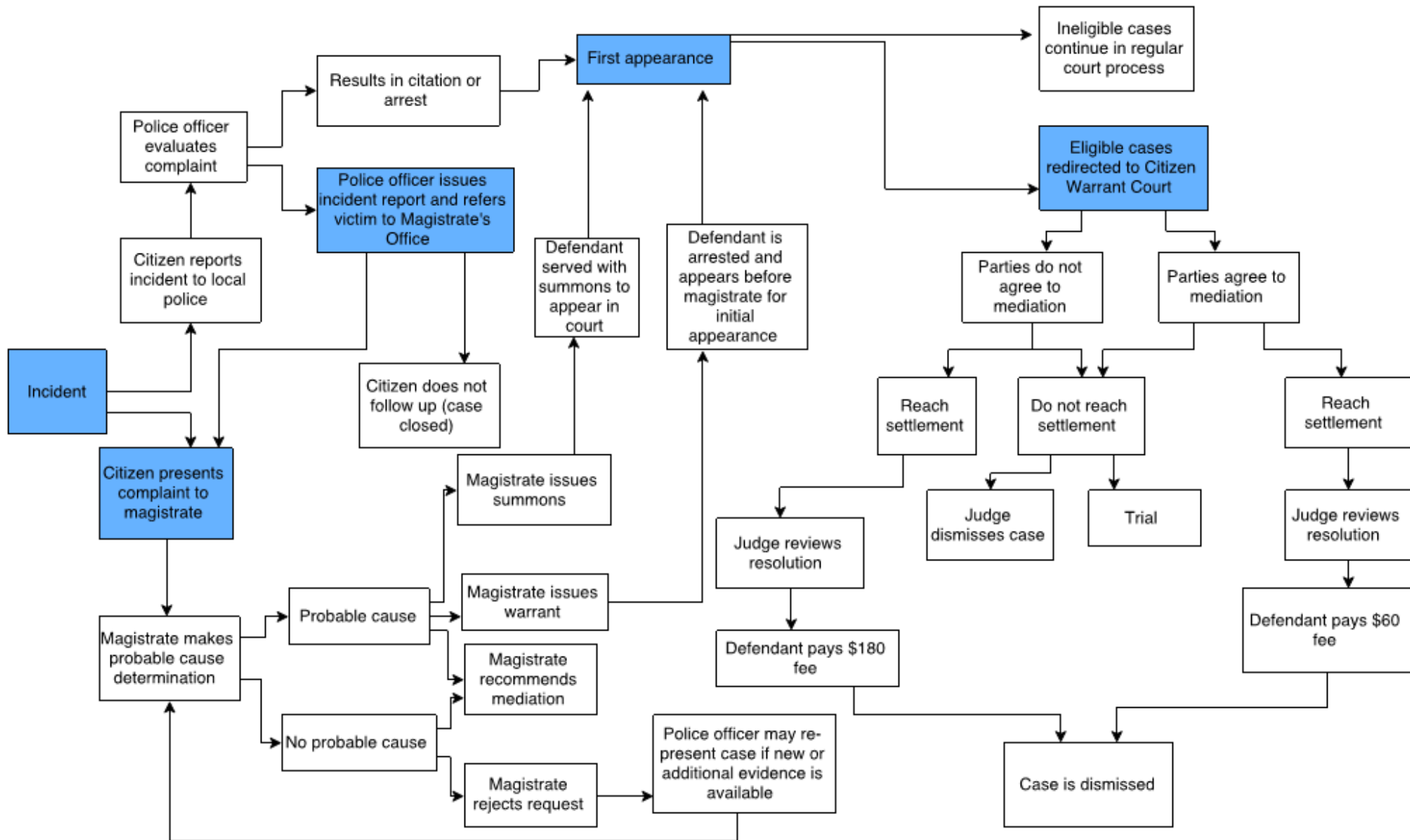
Figure 5. Source responsible for declining mediation services, 2014



n = 108

Below is a detailed flowchart of Mecklenburg County's citizen-initiated complaint process that was created for this project with feedback from the District Attorney's Office.

Citizen-Initiated Complaint Process Mecklenburg, NC



IV. Key Findings

A. Stakeholder Observations

Mecklenburg County stakeholders—including representatives from the county government, District Court, District Attorney’s Office, Public Defender’s Office, Magistrate’s Office, and various police departments—described many strengths and challenges of the current process when meeting with Center staff. Their perceptions are summarized below.

Strengths

- 1) The Citizen Warrant Court provides an opportunity to re-route low-level disputes into one docket and reduce the burden on the regular criminal court docket.

Stakeholders broadly agreed that the Citizen Warrant Court’s ability to keep low-level citizen-initiated disputes out of the regular criminal court process is the main strength of the citizen-initiated complaint process. Due to the eligibility exceptions for the citizen-initiated complaint process (e.g., the severity of the charge or a domestic relationship between the parties), stakeholders reported that cases that end up reaching the Citizen Warrant Court are often lower-level charges, such as minor assaults, trespassing, communicating threats, and larceny (see Figure 2 above). Many stakeholders said these cases frequently involved “petty disputes” between family members or neighbors and it would be a misuse of resources to hear these cases in the regular criminal court process, which they felt should focus on more serious disputes.

- 2) Requiring citizens to file complaints at the Magistrate’s Office and appear at the Citizen Warrant Court is a way for citizens to remain involved in their own cases.

Some stakeholders noted that requiring citizens to file complaints at the Magistrate’s Office and appear at the Citizen Warrant Court “puts some of the onus on the victim to follow up with a complaint” rather than simply calling the police in the heat of the moment and believing the case will continue on its own. Law enforcement stakeholders noted that it was common for citizens to not follow up with complaints made to the police because they were no longer angry or the parties worked out the problem. As an example, based on information provided by the Matthews Police Department (one of Mecklenburg County’s 8 police departments), the victim chooses not to pursue criminal prosecution in anywhere from 6%-27% of cases in which incident reports are made and an officer refers a complainant to a magistrate in a given year.¹⁹

Stakeholders also noted that requiring the complainant to appear at Citizen Warrant Court serves as a further deterrent to serial litigants and to the filing of frivolous complaints, since engaging in the process from start to finish carries a certain burden for them as well. In these two ways, stakeholders observed, citizens must buy into the process and play a part in solving their own problems.

¹⁹ According to Captain Sisk from the Matthews Police Department, this data was put together by manually searching through incident outcomes; these statistics may lack accuracy in part due to the system not tracking cases that are not pursued in a pre-defined way.

- 3) The Citizen Warrant Court provides an opportunity for litigants to mediate their disputes, and, when mediation through the Citizen Warrant Court is successful, may provide a meaningful “long-term” resolution to disputes.

Stakeholders recognized the value in the Citizen Warrant Court providing litigants access to mediation services. Further, when mediation through this court is successful, many stakeholders believe it can provide a long-term resolution to disputes that have often been ongoing between family members or neighbors. Stakeholders observed that when the complainant was willing to mediate the dispute, both parties have the potential to leave satisfied. A successful mediation settlement is particularly beneficial to the defendant when compared with the potential outcomes if the case had gone to trial since there is so much flexibility in outcomes.

Challenges

- 1) There are misperceptions about the citizen-initiated complaint process, among both stakeholders and the public.

Many stakeholders that interact directly with litigants in the citizen-initiated complaint process—as well as citizens themselves—have incomplete or inaccurate information about the citizen-initiated complaint process. These misperceptions can be sub-divided into two challenges:

- *Stakeholders broadly agree that there is a culture in Mecklenburg County that presumes a citizen can “go to the Magistrate’s Office to get a warrant” for someone’s arrest. This culture has persisted even though there have been efforts to change this process.*

According to stakeholders, the procedure of going to the Magistrate’s Office to get a warrant—rather than a summons—has been engrained in Mecklenburg County for years. Traditionally, in citizen-initiated complaints, a magistrate would issue a warrant almost all of the time regardless of the charge. According to Deputy District Attorney Barton M. Menser, “there were many situations—in which there was no danger of escape, danger of injury to person or property, and no serious offense—in which warrants have been issued when a summons would have been entirely appropriate.” Nonetheless, issuing a summons was rare and would generally only occur when the charge was very minor or when the magistrate did not feel an arrest was the proper outcome.

Mecklenburg stakeholders described recent attempts over the past few years to shift procedures and reduce the over-reliance on arrests for these cases. Stakeholders reported efforts such as the police department encouraging officers to tell citizens they may “seek a charge” at the Magistrate’s Office (as opposed to “get a warrant” and the administrative order establishing the presumption of issuing a summons except for reasons of public safety or the severity of the alleged crime.

Nonetheless, the presumption that citizens can simply get a warrant from a magistrate seems to still remain, among both stakeholders and the public. Captain Dominic Pellicone stated that it is still common for officers to direct complainants to the Magistrate’s Office to get a warrant. He believes this culture is quite engrained and will be difficult to change. Magistrates interviewed stated that citizens will

often present incident reports with the actual words written on it (e.g., “get warrant at Magistrate’s Office”). Despite efforts for a change in the process at the Magistrate’s Office, stakeholders noted that magistrates are independent judicial officials and whether they issue a warrant or summons is ultimately their decision barring a change in legislation.

- *Stakeholders are generally unaware the Citizen Warrant Court exists and seeks to mediate citizen-initiated complaints.*

Additionally, many stakeholders interviewed were unaware that most citizen-initiated complaints—if they reach the District Court—are funneled into the Citizen Warrant Court. When asked if this information would affect their handling of citizen-initiated complaints, police officers and magistrates said that knowing this end result would be an incentive to attempt to redirect these complaints into mediation at an earlier stage in the process, potentially maximizing resources of both the criminal justice system and court users.

2) *Many stakeholders believe that Mecklenburg’s citizen-initiated complaint process is ripe for abuse.*

Stakeholders believe a number of factors contribute to potential abuse of the citizen-initiated complaint process. The following challenges were mentioned.

- *The process does not require police officers, prosecutors, magistrates, or citizens to conduct an investigation or provide additional evidence or witnesses before filing criminal charges.*

When police officers respond to a call for service and do not make an onsite arrest, their only obligation is to document the call for service through an incident report. They are not required to conduct an independent investigation of the alleged incident, to contact the suspect or witnesses, or to contact the District Attorney’s Office. Similarly, prosecutors are not required to investigate the incident.

When a citizen brings a complaint to the Magistrate’s Office, the attending magistrate, as an independent judicial official, may consider a variety of evidence to determine probable cause. Although many stakeholders were under the impression that most magistrates ask citizens to present an incident report issued by a police department, the magistrates interviewed said that this is not a requirement. A magistrate may ask that the complainant provide additional evidence or witnesses; the magistrate may also review the accused’s and victim’s criminal history to evaluate credibility, but likewise these are not requirements. Instead, it is up to each individual magistrate to review the facts presented and determine whether probable cause can be established. This flexibility in the process may contribute to there being such a range in cases’ sufficiency of the evidence to determine the appropriateness of an arrest warrant. The criminal magistrates report that only one magistrate does not, in practice, require a police report to have been filed. The other 29 magistrates state that they require it in their probable cause hearings and, if available, will attempt to retrieve the report from the law enforcement agency. If the report is not available, they attempt to speak with the officer who wrote the report or the officer’s superior; the only exception is domestic violence cases. Magistrates report that, often, the narrative of the report may not be ready to view at the time the complainant appears to seek domestic violence charges, so the magistrate will consider all other testimony and evidence. Depending on the circumstances in any misdemeanor citizen-initiated case, magistrates report that the long-established

practice is that they may advise the complainant to return when the report is ready or request that the officer appear to seek the charges on the victim/complainant's behalf.

- *Citizens may use the citizen-initiated process as a "weapon" by bringing excessive and/or frivolous charges that will affect ongoing civil disputes or someone's criminal record*

Citizens who are aware of the damaging effects of the citizen-initiated complaint process on a defendant may file a complaint against another individual, even if the charges are frivolous. For example, having a criminal charge filed—or worse, being arrested—may negatively impact employment, family life, ongoing civil cases, etc. Even if a citizen-initiated case is eventually dismissed, an arrest will remain on an individual's record. Stakeholders noted that while there is an expungement process, the procedure is cumbersome and restrictive so most individuals who are arrested do not go through with the process.

The risk of vengeful filings may be particularly high in cases involving interpersonal disputes, such as landlord/tenant disputes, employment disputes, and neighborhood disputes. There are two issues to consider in this regard. On one hand, there are people who may use the complaint process multiple times. That is, they may issue complaints multiple times in one year against the same or different people.

To address repeat users who have initiated multiple complaints over time, the Chief Judge has created a "No Warrant List" that serves as a barrier to those individuals from being granted warrants based on their allegations.²⁰ However, analysis of the 2014 dockets reveal that less than 10% of the complainants utilize the complaint process more than once – at least during the time period analyzed. To lessen potential abuse of the process, magistrates are advised to refer to the no probable cause file and the "Do Not Issue List" prior to issuing any process.

On the other hand, there are people who allege multiple charges against a particular person in a given complaint. For example, someone might bring a complaint against their neighbor for trespassing, larceny, and simple assault on the same occasion. The data did show that this circumstance was common. Overall, 42% (n=688) of individuals brought two or more charges against the same person. In fact, one individual filed 16 unique charges against one defendant.

- *Citizens may "magistrate shop" until they receive their desired outcome*

According to the Magistrate's Office, a complainant is only supposed to present their case to one magistrate, at which time a probable cause hearing is held. If there is new or additional evidence, the law enforcement officer may re-present the case to a magistrate. However, stakeholders noted that the public may take advantage of the fact that magistrates, acting as independent judicial officials, may vary in their determinations of probable cause. This has led to citizens engaging in "magistrate shopping," through which they may take a complaint to another magistrate if one did not issue a warrant or summons. Police officers, who are also aware of this possibility, may advise citizens to return to the Magistrate's Office and re-issue a complaint with another magistrate if they believe probable cause exists for a charge but one magistrate has already rejected it.

²⁰ This project's analysis did not reveal the criteria for a complainant being placed on the No Warrant List.

3) Some citizens may face logistical or legal barriers in the process.

Stakeholders noted that some citizens face barriers to bringing and following through with complaints in the current process. Specific challenges include:

- *There is a perception that some citizens with disputes “race” to the Magistrate’s Office and only the “winner” is able to file charges.*

State law allows for cross-complaints²¹ and the chief magistrate said that there is no policy against them. The Chief Magistrate explained that if both parties appear, the testimony of both will be heard unless it becomes clear (usually by law enforcement contacting the office or through obtaining the officer’s confidential report) that one party was the aggressor or “at fault.”

However, some stakeholders were still under the impression that whoever physically gets to the Magistrate’s Office first and tells a story that is convincing enough to establish probable cause will “win the race” and that the other party will be turned away when he/she arrives.

At a minimum, all stakeholders should be informed about the appropriate procedures in these situations and help to ensure that the public is also informed.

- *For some citizens, filing a complaint at the Magistrate’s Office and appearing at the Citizen Warrant Court is burdensome and deters legitimate filings.*

Law enforcement stakeholders noted that many citizens choose not to file a criminal complaint at the Magistrate’s Office because they feel that the process is excessively cumbersome and overwhelming, and therefore not worth undergoing. In addition to getting to the Magistrate’s Office, citizens are required to appear for all court dates at the Citizen Warrant Court, which can be burdensome for many victims. This is particularly challenging for complainants who face socioeconomic barriers to initiating and following through with this process (e.g., citizens who lack the transportation, education, literacy, or other means to file a complaint, or who cannot miss a day of work to appear at court). Depending on the case and circumstances, an officer may volunteer to assist the complainant in filing a complaint at the Magistrate’s Office. While this is not a requirement, police officers may assist victims in securing transportation to the Magistrate’s Office or guiding them through the complaint process itself. According to magistrates interviewed, it is common to see officers escorting victims to the Magistrate’s Office for citizen-initiated complaints (e.g., in the case of elderly victims), but since there is not a written directive to do it at the police level, encouraging more officers to do so can be problematic.

Additionally, one police chief interviewed noted that the citizen-initiated complaint process could be “overwhelming” for victims of domestic violence. Although the state and county have safeguards in place to protect and assist victims of domestic violence (e.g., a law enforcement officer can make a warrantless arrest following a domestic violence assault, domestic violence charges filed at the Magistrate’s Office are not directed to the Citizen Warrant Court, but instead are processed through the

²¹ North Carolina General Statutes § 15A-304(d) (“A judicial official shall not refuse to issue a warrant for the arrest of a person solely because a prior warrant has been issued for the arrest of another person involved in the same matter.”); *see also* § 15A-303(c) for the issuance of a summons.

regular court process), victims of domestic violence must still file charges at the Magistrate's Office in some situations—particularly when the incident amounts to a low-level misdemeanor such as making threats. Additionally, victims of domestic violence seek orders or protection from the Magistrate's Office. Law enforcement stakeholders indicated that sometimes, in these situations, police officers will voluntarily assist victims with transportation and an escort to the Magistrate's Office, and magistrates interviewed would like for this to be a requirement.

- *Few defendants are represented by counsel in Citizen Warrant Court.*

Public defenders play a limited role in the citizen-initiated complaint process. According to the public defender's office, North Carolina law only provides for the right to defense counsel if incarceration is likely. Not only was representation not contemplated in the original design of the Citizen Warrant Court, but representatives from the public defender's office said they would not have the capacity to take on these cases if they wanted to.

- 4) *There is concern that justice system resources are being misused through the citizen-initiated complaint process.*

Stakeholders were concerned that justice system resources were not being utilized efficiently or effectively. Specific challenges include:

- *There is a lack of information and inter-agency communication about available early referral or diversion options.*

Although there are several points in the citizen-initiated complaint process in which citizens could be referred to mediation prior to reaching the Citizen Warrant Court, stakeholders indicated that these referrals and other diversions at these stages are rare. Representatives from the District Attorney's Office explained that there were prior attempts by prosecutorial staff in a "screening unit" to review all low-end misdemeanors (not just citizen-initiated charges) at first appearance and refer them to mediators earlier in the process to dismiss them at the front end. However, due to the volume of cases at first appearance, the process was too "overwhelming" and many stakeholders—including the clerk's office, victims, law enforcement, and the media—were not satisfied with this process.

Stakeholders observed three main reasons that earlier referral to mediation is rare:

- (1) Criminal justice players lack the awareness or necessary buy-in to refer citizens to mediation at an earlier stage;
- (2) Police officers do not have a formal procedure set up through which to refer citizens to mediation and document the outcomes of these cases; and
- (3) Without the "teeth" or legal leverage of the court system, stakeholders doubted that many citizens would voluntarily engage in mediation at an earlier point in the process.

As for referrals from the Magistrate's Office, the chief magistrate reports that they refer cases to the county's dispute settlement program on a daily basis. There is a formal procedure in place and representatives from the program pick up the referrals weekly or bi-weekly and provide feedback

regarding cases. At the time of the referral, the magistrate advises the complainant that the case is being referred and notes if the complainant is receptive to the process. This happens prior to paperwork being received by the District Attorney's Office, the courts, and Citizens Warrant Court. Further work could be done to make early referral easier and more appealing to the parties involved.

As mentioned previously, magistrates and law enforcement representatives interviewed explained that had they known that the Citizen Warrant Court strongly incentivized citizens who filed low-level misdemeanor charges to engage in mediation, they might attempt referral at an earlier stage. Magistrates explained that there are existing avenues for diverting certain cases directly from the Magistrate's Office; for example, cases involving worthless checks are diverted directly to mediation.²²

Additionally, according to stakeholders, many police officers are likely unaware that the Dispute Settlement Program provides free mediation services. According to Captain Pellicone from the Charlotte-Mecklenburg Police Department, police officers typically only have direct interaction with the complaining witness/victim in citizen-initiated complaints. Generally, by the time complainants report an incident to the police, they are at "their wit's end," and law enforcement stakeholders questioned whether mediation would be feasible at this point in the process. Captain Pellicone noted that even though police officers may refer parties to mediation or another diversionary option upon responding to an incident, a challenge is that there is currently not a standard process to do so and to document it within the police database.

- *Parties to certain types of cases are particularly unlikely to use mediation successfully when they are referred through the Citizen Warrant Court.*

In addition to no-shows, there are several reasons why eligible litigants may not engage in mediation. Per advice of the Dispute Settlement Program, mediation should be voluntary; mandated mediation is not thought to be as productive. So if either party fails to consent, mediation will fail. Also, defense counsel may advise against it (depending on the type of case) or refuse to let mediation to begin in his or her absence. Additionally, cases involving strangers or when the complaining witness has hired private counsel are less likely to engage in mediation.

While, according to the Dispute Settlement Program, most mediation cases (over 80 percent) successfully reach an agreement once parties engage in the process, cases involving money damages are among those that are unlikely to be successful.

- *There is a perception that many cases do not warrant formal processing if the end result will be a dismissal.*

In the 2013 citizen-initiated complaint docket analysis, which analyzed all cases calendared for the first six month of the Citizen Warrant Court's operations, 88% of cases before the court were dismissed—including those referred to mediation—and 12% were disposed by verdict.²³

²² North Carolina General Statutes § 14-107.2.

²³ In this 6-month period, 581 cases (88%) were voluntarily dismissed, a guilty verdict was reached in 50 cases (8%), and a not guilty verdict was reached in 18 cases (3%). See APPENDIX A.

As per the analysis of the 2014 dockets (see Figure 3 above), 65.9% of cases were voluntarily dismissed.

According to stakeholders, the primary reasons—in order of estimated frequency—for the high dismissal rate at the Citizen Warrant Court include:

- 1) Complainants do not show up “because they are no longer mad;”
- 2) The complaining witness/victim does not wish to go forward;
- 3) The case is successfully mediated; and
- 4) The prosecutor determines there is not enough evidence to prosecute the case, i.e., to warrant a trial and pursue a conviction beyond a reasonable doubt.

According to the 2014 data, 33.2% of cases were dismissed because of a complainant not appearing and 8.3% of cases were dismissed by request of the presenting complainant.

Many stakeholders wondered if there were opportunities to divert or dismiss these cases at the front end that would reduce the number of complaints filed in the “heat of the moment.” Ideas mentioned included instituting a waiting period for being able to file a complaint or having regular office hours at the Magistrate’s Office, instead of being open 24/7. District Attorney’s Office representatives mentioned that when prosecutors dismissed cases prior to court during an initial screening, their office’s funding was reduced, essentially penalizing them. On the other hand, there is simultaneous concern that the Citizen Warrant Court might perpetuate net-widening—court involvement with cases that would otherwise be dismissed.

- 5) Magistrates need support to handle the volume and challenging nature of complaints heard in their office.

The interpersonal and emotionally charged nature of many of the incidents that lead to citizen-initiated complaints overwhelms magistrates who are not trained (as police are) to de-escalate these situations. Stakeholders, including magistrates, acknowledged that this was a “tough” and “emotional” clientele to manage. Several stakeholders pointed to the fact that the Magistrate’s Office is open 24/7 as a contributing factor to this issue. The Magistrate’s Office informed Center staff that it has requested training for magistrates on servicing the public from the county, and it would be helpful to the magistrates to learn techniques on dealing with people who are angry.

- 6) There is little data collected during the citizen-initiated complaint process.

Stakeholders observed that there is little data collected during all stages of the citizen-initiated complaint process.

As mentioned previously, the county’s local police department databases are not equipped to accurately document all possible outcomes of citizen-initiated complaints, including an earlier referral to mediation. Charges filed at the Magistrate’s Office are only entered into the state’s database if probable cause is found; in cases where no probable cause is found, the complaint forms are kept at the Magistrate’s Office, but they are not counted or reviewed. Mediators who hear cases at the Citizen Warrant Court have access to an exit survey (APPENDIX H) and outcome survey (APPENDIX I) for participants. However, Dispute Settlement Program representatives interviewed stated that these

surveys were generally never completed by Citizen Warrant Court litigants because once a settlement is reached, the parties are in a hurry to return to court and resolve their case.

Stakeholders agreed that regular and increased data collection at the three main points of contact throughout the process (Police, Magistrate's Office and Citizen Warrant Court) would shed light on court users' motivations for pursuing a citizen-initiated complaint and their experience with the process. Additional data regarding who is most likely to utilize the court's services would be beneficial as well. Surveys of client satisfaction with the process and tracking of future outcomes (e.g., whether the complainant or defendant appeared again on a new charge in the future) would help stakeholders better assess whether the process is reaching its intended outcomes.

B. Practices in Other Jurisdictions with Citizen-Initiated Complaint Processes

Center staff conducted research and interviewed magistrates from some other jurisdictions with citizen-initiated complaint processes. While some parts of the process were similar to Mecklenburg County's, these magistrates highlighted the following practices that differed from Mecklenburg County's current process.

- 1) In addition to the options of issuing a summons or a warrant in response to a citizen-initiated complaint, some states offer magistrates the opportunity of a third "hybrid" option.

In Virginia, magistrates may issue a summons, warrant, or a "permitted warrant." This latter option is a hybrid of the first two. A permitted warrant authorizes a law enforcement officer to issue process as a summons (where the individual served will provide his or her signature promising to appear at court), or in the officer's discretion (e.g., if the individual is uncooperative), as an arrest warrant.

- 2) Some jurisdictions require that citizens initiating complaints at a magistrate's office bring tangible evidence or witnesses when making a complaint or have a later-dated application hearing.

In Birmingham, Alabama, magistrates will almost always—barring exceptional cases such as visible evidence (e.g., bloody clothes, a fresh cut)—require that a complaining witness/victim bring tangible proof or a witness who the magistrate will question under oath.

In DeKalb County, Georgia, citizens who request a warrant must fill out an application, review it with a magistrate, and return approximately two weeks later for an "application hearing." In addition to the complainant, the defendant will also be notified of the application hearing by mail, and will have the right to be heard before the determination of probable cause and issuance of a warrant.

- 3) Some Magistrate's Offices operate only during working hours, and have magistrates "on call" during other hours.

The Magistrate's Office in Birmingham, Alabama, has reduced its office hours from 24/7 to 9-6pm Monday-Friday over the past year. During closed times, magistrates are on call. A Birmingham magistrate interviewed mentioned that this change has significantly reduced the number of complainants who show up at the Magistrate's Office intoxicated or bloody—previously, it was common for injured parties to show up at the Magistrate's Office before even going to the hospital. While, according to this magistrate, the caseload has not decreased, the process for handling these complaints has improved due to the restriction of office hours.

- 4) In some jurisdictions, magistrates require domestic violence victims to be assisted by victims' services agencies before presenting a complaint at the Magistrate's Office.

In Birmingham, Alabama, a victims' services agency called PD Project Safe assists victims of domestic violence to put together the statement and supporting evidence (e.g., witness statements) prior to the citizen coming before the magistrate to initiate a complaint. In the event that a victim of domestic violence appears at the Magistrate's Office without having received assistance from PD Project Safe, the attending magistrate will accompany the victim to this agency. Additionally, PD Project Safe staff will—prior to the citizen initiating the complaint at the Magistrate's Office—accompany the victim to family court to get a protection order and assist the victim finding a safe living situation.

C. User Feedback

Center staff reviewed a sample of 74 criminal complaint forms that were copied from the 26th District Court's Clerk's Office with assistance from the UNCC researchers and Mecklenburg County Criminal Justice Services Management Analyst Michael Griswold. The cases were randomly selected by the UNCC researchers among all cases from 2014. Observations based on the Center's review of this sample of complaint forms are presented in this section.

These forms illustrate the diversity of circumstances that lead to citizens filing complaints against their fellow citizens in Mecklenburg County. Although each complaint form tells a unique story, viewed as a whole they illuminate potential trends and raise questions that are relevant to assessing the citizen-initiated complaint process. The first question on the complaint form, "What did the suspect do?" elicited descriptions of incidents most of which fall into one of three categories: property damage, assault or assault and battery, and threats. Other types of incidents described include hit and runs, larceny, fraud, and trespassing.

In response to the question "What do you want the courts to do?" more than half of complainants wrote that they wanted the court to arrest the suspect and/or to press charges. Other common desired outcomes include wanting the court to make the suspect pay for property damages, to protect the complainant from the suspect, or to send the suspect to jail. Several complainants requested that the court connect the suspect to services, including anger management and counseling; these complainants all indicated personal relationships with suspects.

Most of the incidents in this sample featured complex interpersonal relationships between complainants and accused individuals. When asked “What is your relationship to the suspect?” complainants most often responded “neighbor,” “acquaintance,” or “friend.” Many indicated familial relationships, including girlfriend/boyfriend, parent/child, and in-law relationships.

These complaints vary widely in terms of their seriousness. In one instance, a woman wrote that she wanted to have her boyfriend arrested because he took the keys to her car and drove it without her permission. In another complaint, a woman wrote that she was hospitalized after her nephew hit her repeatedly in the head, face and stomach. She wrote that she wanted the courts to “lock him up, medical payment, restraining order – anger management therapy.”

All of the complaint forms, except for a few where the line was left blank, indicate that the police filed an incident report prior to the citizen appearing at the Magistrate’s Office. This raises the question of how much information Magistrates have access to when making probable cause determinations. Given that many of the forms were incomplete, and/or unclear, it seems likely that the amount of information available in writing varies from case to case, and that it is often incomplete.

V. Recommendations

The following recommendations could support the county’s efforts in improving the process—both by improving the existing process and by providing alternative methods by which to resolve low-level misdemeanor cases.

- 1) [Create and disseminate educational resources to improve public understanding and perceptions about the citizen-initiated complaint process.](#)

Stakeholders should consider publicity and training opportunities to improve the understanding of the citizen-initiated complaint process among citizens as well as stakeholders. Information about the process—including what a complainant and defendant can expect throughout—can be made available through an informational pamphlet, a descriptive website, and improved police officer/magistrate communication.

In particular, police officers and magistrates should consider practical ways to convey to the public the recent district court administrative order issued on May 5, 2015, which asserts a presumption that magistrates should issue a criminal summons (as opposed to an arrest warrant) for a citizen-initiated complaint supported by probable cause except in cases “for reasons of public safety or the severity of the alleged crime.” In this sense, police officers should be encouraged to refer citizens to go to the Magistrate’s Office to seek a “charge” (or “file a complaint”) rather than seek a “warrant.” Officer training may support these efforts to reeducate the public about what to expect when they appear at the Magistrate’s Office.

The different justice agencies involved in the process should receive regular training on the process, alternative paths, and citizen interaction. Mediation staff explained that they provide an annual luncheon with all court players to explain the services provided by the Dispute Settlement Program as well as show their appreciation for stakeholders who make referrals to the program. Perhaps

attendance could be mandatory for all police chiefs, magistrates, and prosecutors stationed at first appearance, or the information could be shared more frequently.

2) Enhance procedural justice practices throughout the citizen-initiated complaint process

Research shows that court users are more likely to comply with court orders and obey the law generally when they feel the process is fair. This concept—called procedural justice—is often defined by four key dimensions: respect, understanding, voice (an opportunity to be heard), and neutrality of decision-making. Reforms to the citizen-initiated complaint process should be undertaken with these elements in mind.

Per suggestion of the magistrates themselves, additional training in customer service and judicial demeanor could help improve the public's experience in the Magistrate's Office, a critical moment in the citizen-initiated complaint process. Signage and other written materials in the Magistrate's Office should reinforce policies and procedures about seeking a summons or warrant.

3) Consider encouraging or mandating earlier referral to mediation before the case reaches the District Court.

There are different stages in the citizen-initiated complaint process at which the players involved could refer parties to mediation, but stakeholders indicated these early referrals were rare. These points in the process involve contact by a responding police officer or magistrate. Engaging in mediation at this stage is at no-cost to the parties. On the other hand, engaging in mediation once a case reaches the Citizen Warrant Court costs \$60, in addition to the time involved in for the litigants' court appearances. Justice system resources used in the process include the time of the prosecutors, judges, and public defenders at first appearance and at the Citizen Warrant Court.

In addition to convincing the complainant to engage in mediation, there would have to be a logistical procedure in place to contact the suspect and encourage him or her to voluntarily attempt mediation through the Dispute Settlement Program. For example, if the police officer did have contact with the suspect, possible leverage at this stage in the process could include probes such as "do you really want to get arrested?" or "do you want this on your record?" It also might be worth exploring whether the Dispute Settlement Program could reach out to the suspect and invite him or her to resolve the conflict before it proceeded further.

Another consideration for these cases could be requiring mandatory mediation pre-filing, and having complainants show proof of attempted mediation before charges may be filed. In the event that a case can be resolved before filing, valuable court resources would be saved. Although there is a benefit to voluntarily engaging in mediation, it might be worth exploring different programs that mandate mediation and the strategies they use to promote successful outcomes.

4) Implement safeguards to discourage abuse of citizen-initiated complaint process.

Possible safeguards that could discourage the abuse of the citizen-initiated complaint process might include instituting requirements such as the following:

- Police conducting a preliminary investigation of the alleged facts before referring citizens to the Magistrate's Office;
- Citizens bringing evidence and/or witnesses to the Magistrate's Office to file a complaint; and
- Magistrates taking advantage of the various electronic databases they have access to, such as NCAWARE, ACID, and CJLEADS, to evaluate the credibility of the parties by checking whether or not they are involved in an ongoing civil dispute with each other.

Additionally, stakeholders may consider making the complaint process more convenient than in-person requests while simultaneously building in time for complaining witnesses to "cool off" in certain types of cases. For example, could reports be submitted online and scheduled for a next-day magistrate appointment? Could there be limited office hours or a mandatory "waiting" or "cool-off" period before filing a charge in some cases? This could help discourage frivolous complaints, as well as ease data entry for the magistrates.

5) Consider enhancing the role of law enforcement.

There are two key opportunities for officers to set the stage for an improved citizen-initiated complaint process: in responding to an incident and in the post-incident follow-up. Stakeholders should ensure that the police department is aware of opportunities for early diversion, including direct referrals to mediation for appropriate cases when responding to an incident. Police should also explain the citizen-initiated complaint process so that citizens' expectations are realistic. This increased awareness could be implemented via in-service trainings and reinforced by the police department's quarterly newsletters to officers.

Additionally, as already mentioned in the previous recommendations, stakeholders should consider whether law enforcement should play a more active role in pre-filing investigations. For example, some jurisdictions require that the responding officer collect evidence and interview witnesses to an alleged misdemeanor crime.

6) Provide assistance to victims throughout the citizen-initiated complaint process.

To enhance access to justice, stakeholders should explore ways to assist citizens through the complaint process. For example, magistrates should consider whether or not the complainants have received assistance from victims' services agencies in the county, and refer them to those agencies when relevant. Additionally, stakeholders should reevaluate the citizen-initiated complaint process for victims of domestic violence—even if involving low-level charges—and consider whether there are less burdensome ways that these victims may file charges.

7) Convene regular stakeholder meetings and provide other avenues for information sharing.

We recommend continuing to convene regular stakeholder meetings to ensure that the messaging of all stakeholders is consistent and accurate, including reinforcing the May 5, 2015 administrative order establishing that magistrates should only issue warrants in limited situations and to encourage police

officers to refer citizens to seek a “charge” rather than a “warrant.” These meetings should also serve as opportunities for key stakeholders to receive updates about the citizen-initiated complaint process, including new diversion opportunities and data from the Citizen Warrant Court.

8) Consider other opportunities for out-of-court resolution.

Stakeholders could consider other out-of-court diversionary models for the most common types of citizen-initiated complaints, including cases in which the parties have a relationship (e.g., family members or neighbors) and those in which there is no relationship and it is known that mediation is not likely to succeed. Eligibility could be defined to comport with North Carolina law regarding domestic violence cases. Possible out-of-court resolution methods for eligible low-level offenses include “Peacemaking” and Restorative Justice Panels, sometimes called Neighborhood Justice Panels.

Peacemaking is a traditional Native American approach to justice that focuses on healing and restoration rather than punishment.²⁴ It generally brings together the disputants, along with family members, friends, and other members of the community to speak about how the event, crime, or crisis affected each person. Peacemaking seeks to resolve disputes through an inclusive, non-adversarial process that empowers all of the affected parties.

Restorative Justice Panels are generally made up of neighborhood residents who hear cases and decide on appropriate ways for the participants to pay back the community for the harm caused. Obligations may include community service, a letter of apology, restitution, and classes aimed at ensuring that the participant never has contact with the law again. For example, in Yolo County and Los Angeles, CA, panels are held at community locations. If a defendant successfully completes the agreement reached with the community panel, the prosecuting agency will not file the case.

9) Collect additional data.

Improved data collection and analysis will allow stakeholders to assess the success of the process—and any improvements made—going forward. The following recommendations could be considered:

- Invite user feedback at the Magistrate’s Office, via the complaint forms or a comment card system
- Track user data including basic demographic profile of complainants
- Track dismissals at various points in the process that allows the DA’s office to better explain their role in supporting diversion
- Track disposition data to assess cases most likely to be dismissed
- Use exit surveys post-mediation to track outcomes and perceptions. Coordinate with mediation services so as not to duplicate efforts
- Collect data about repeat users to better understand the effectiveness of the process.

Requesting court user feedback can also serve the function of making the process seem more fair and respectful and thereby increase compliance, as described above. Additionally, increased data collection would facilitate future reform efforts by creating a clearer picture of the process for policymakers.

²⁴ For more information, visit <http://www.courtinnovation.org/project/peacemaking-program>.

10) Consider addressing specific challenges of domestic violence victims.

Although it is outside of the scope of this project, many stakeholders interviewed noted that victims of domestic violence are uniquely challenged by the citizen-initiated complaint process. We recommend that this topic be explored going forward.

We hope that this report will offer planners useful contextual information and concrete suggestions for the long-term enhancement of the citizen-initiated complaint process.

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Appendices

APPENDIX A

THE CITIZEN-INITIATED COMPLAINT DOCKET ANALYSIS (2013)

2013

Mecklenburg County
Criminal Justice Services



CITIZEN-INITIATED COMPLAINT DOCKET ANALYSIS

ABOUT THIS REPORT

This report evaluates outcomes of the citizen-initiated complaint docket. The guiding questions were: 1) Does the docket reduce service demand overall, and 2) Does the docket benefit the parties involved? The evaluation examined all cases calendared November 16, 2012 – May 13, 2013, the first six months the court operated.

BACKGROUND

A 2012 analysis of warrants and summons revealed that over 80 percent of orders issued solely on a citizen's complaint (i.e., not supported by a law enforcement investigation) were voluntarily dismissed by the court. The analysis also found that, on average, it took slightly more than two court sessions before these type cases were disposed.¹ It is estimated that 5,000 such orders are executed annually.

In November 2012, the 26th Judicial District established a special docket to focus on citizen-initiated complaints. The court seeks, where appropriate, to redirect cases to outside mediation services, removing them from the criminal justice system sooner and providing the parties a more appropriate forum to resolve their complaints.

FINDINGS

- **Number of Court Settings Required to Dispose Cases is Unchanged**
When first appearance (or Courtroom 1130 appearance) is included, it takes an average of 2.2 settings to reach final disposition, only 3 percent less than observed prior to the court's formation.
- **Dismissal Rate Remains High**
88 percent of cases before the court were dismissed, while 12 percent were disposed by verdict.²
- **Nearly One in Five Cases are Continued at Least Once**
58 percent of continuances were to subpoena a witness.
- **Large Majority of Cases Do Not Reach Mediation**
Forty-one percent of defendants were referred to mediation. Overall, only 25 percent of cases before the court were resolved through mediation.
- **When Used, Mediation Tends to be Successful**
Seventy-eight percent of mediated cases were resolved.

¹ The sample (n=160) revealed an average 2.29 settings were required to reach final disposition in similar cases.

² Considers only disposed cases and includes those referred to mediation.

APPROACH

Outcomes of the citizen-initiated complaint docket are evaluated from two broad perspectives. First, the system view: Have resource demands declined as a result of the special docket? Each court appearance requires a certain level of staffing and time to administer. As the number of appearances increase, so do resource requirements. Similarly, both the defendant and plaintiff accrue costs –time from work, travel expense, and other opportunities lost- as multiple appearances are required. In this report, the number of appearances required to reach final disposition is used as a measure of resource demand.

The second perspective examines the potential outcomes availed to parties to the action, specifically mediation. Mediation affords defendants the opportunity to avoid the negative social and economic impacts associated with a criminal conviction, while offering both the defendant and plaintiff greater flexibility to reach a mutually satisfying resolution to their conflict. Mediation also offers the prospect of resolving long-term issues among family members and neighbors, potentially reducing future engagement of the criminal justice system. In the absence of qualitative data which would indicate the perceived and real value to participants, a proxy measure is used. In this analysis, the proxy chosen is the frequency which mediation services are utilized. It is assumed that as the frequency of mediation use increases, so do the benefits conveyed.

OBSERVATION AND DISCUSSION

Time to Disposition

It took an average 2.21 appearances for cases to reach final disposition in the special court, virtually unchanged from the rate of 2.29 observed prior to the court's formation. Though there wasn't an appreciable reduction in the number of appearances, anecdotal evidence suggests hidden efficiencies may exist. For example, because these cases are not held in the general trial court, time typically taken for the prosecution, attorneys, and witnesses to confer about the case may be reduced or avoided. If reduced times are real it follows that more cases could be processed in the same period of time. Such efficiency gains would be magnified given no new resources were appropriated to operate the new court (i.e., only existing staff were utilized).

In contrast, because time to disposition has not changed, the costs to the citizens remain the same. Parties to the complaint must still appear, on average, two or more times and bear the associated costs.

Continuances

Approximately 18 percent of all cases were continued at least once after reaching the special docket.³ Of these, approximately 58 percent were necessary to subpoena a witness and an additional 21 percent were simply to confirm payment of court fees.⁴ While continuances for payment do add a defendant to a future calendar, resource demand on the system may be negligible. Hearings for this purpose do not require additional attention from the Assistant District Attorney, witnesses are not required to appear, and a minimum amount of time is required before the judge for the case to be resolved.

³ As many as five court settings were observed before final disposition in the closed case cohort (n=663).

⁴ Closed cases only.

Mediation

When mediation occurred it was, by in large, successful. Resolution was achieved in 78 percent of mediated cases. However, the overall rate of disposition through mediation was low - only 25 percent of cases before the court were resolved via this method. The low rate is largely attributable to how often mediation was offered- referrals were made in only 41 percent of cases. There is some evidence that the number of opportunities which mediation may have occurred was reduced by the frequency which witnesses (both prosecution and defendant) failed to appear. As noted above, more than half of continuances were the result of missing witnesses. Mediation can only be offered when both parties are present.

Other factors contributing to the low overall rate of mediation: the opportunity to mediate was not universally accepted (20 percent declined participation) and not all referred cases were resolved (22 percent failed to reach an agreement).

The stage which mediation is offered (at 4330) limits the system's opportunity to realize greater time and resource efficiencies. Approximately 80 percent of cases are resolved at this setting whether mediation is available or not. Value judgments of the outcomes differ- for the defendant, the benefits of a conviction avoided may outweigh the costs of an additional court appearance; however, the system incurs additional cost as it must allocate resources for the new date.

Dismissals

Eighty-eight percent of all cases were voluntarily dismissed, of which approximately 24 percent were the result of mediation. Anecdotally, the frequency of dismissals appears higher than observed in 2012, suggesting that mediation has led to higher dismissal rates (as would be expected); however, available data does not permit a statistically reliable comparison to be drawn.⁵ Absent such analysis, it is unclear what dispositions may have occurred if mediation wasn't available. It is likely, based on the 2012 findings, that a large majority would also have been dismissed. The basis for the remaining dismissals was not available.

Recommendations

Eighty percent of final case dispositions are reached at the second court setting.⁶ To have a meaningful impact on the time to disposition, it would be necessary to resolve most cases at the first setting (Courtroom 1130). Additional efficiency gains might be achieved by improving the system which witnesses are called to court. In this review, approximately one-third of cases could have reached final disposition a day sooner if witnesses were available at the second court setting. Finally, consideration should be given to reducing the volume of cases reaching the court by diverting certain types (e.g. Injury to Personal or Real Property) from the criminal justice process all together. The latter is not likely to reduce the time to final disposition, but will free system resources for other needs.

⁵ The 2012 review of warrants found that 83 percent of citizen-initiated complaints were voluntarily dismissed. Any conclusions of differences should be drawn with caution as the 2012 review examined a small sample (n=160) and was selected from magistrate logs, rather than court dockets. As a result, the true impact of mediation on the dismissal rate, if any, is not clear.

⁶ The first hearing held in Courtroom 4330

OUTCOMES

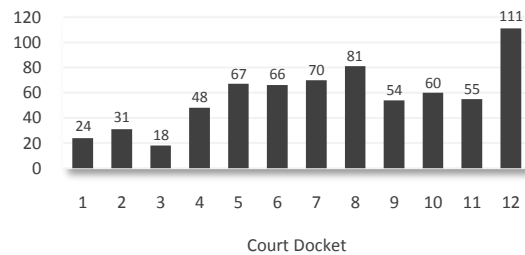
Docket

Twelve court sessions took place during the first six-months of operation. Across the period, 571 individuals were docketed, facing 773 charges. Eighty-five percent of cases had been disposed at the time of review.

Dockets were intentionally small during the first three sessions as the new court's procedures and policies were tested. Docket size then increased reaching 111 defendants in May 2013. Excluding the first three dates, an average 66 persons were before the court each session.⁷

Slightly more than one percent of cases were transferred to other courts; half of which were continued to 4130A. The remaining transfers were to 1130, 4150B, 4170A, 4310B, and 5170B. Orders for arrest were issued for approximately 12 percent of defendants.

Figure 1. Docket Size



Voluntary dismissals accounted for 88 percent of all dispositions. Verdicts were issued in 12 percent of cases.

Table 1. Disposition Method Charges

	Freq	% of All	Cumulative
Voluntary Dismissal	581	88%	88%
Verdict- Guilty	50	8%	96%
Verdict- Not Guilty	18	3%	99%
Prayer for Judgment	5	1%	99%
All Others ⁸	9	1%	100%
Total	663	100%	100%

⁷ Median=68, range: 48 – 111. Dockets have reportedly remained in the range of 100 defendants following the period of review.

⁸ Includes: Superseding Indictment (3), Process Other (2), and one each of Waiver of Probable Cause, Vol. Dismissal with Leave, Waiver – Clerk, and Process Revocation.

Simple Assault and *Communicating Threats* were the most frequently heard cases, representing 43 percent of all before the court. *Injury to Personal Property* and *Injury to Real Property* constituted 13 percent of cases.

Table 2. Most Frequent Charges⁹

	Freq	% of All	Cumulative
Simple Assault	85	22%	22%
Communicating Threats	82	21%	43%
Injury to Personal Property	32	8%	52%
Misdemeanor Larceny	28	7%	59%
Assault on a Female	22	6%	65%
Injury to Real Property	21	5%	70%
Harassing Phone Call	18	5%	75%
Assault with a Deadly Weapon	15	4%	78%
Unauthorized Use of Motor Vehicle	14	4%	82%
Second Degree Trespass	12	3%	85%
Assault by Pointing a Gun	10	3%	88%
Assault and Battery	8	2%	90%
Assault Inflicting Serious Injury	5	1%	91%
Threatening Phone Call	5	1%	92%
Breaking or Entering	3	1%	93%
Misdemeanor Stalking	3	1%	94%
Fail to Work After Paid	2	1%	95%
All Others ¹⁰	21	5%	100%
Total	386	100%	100%

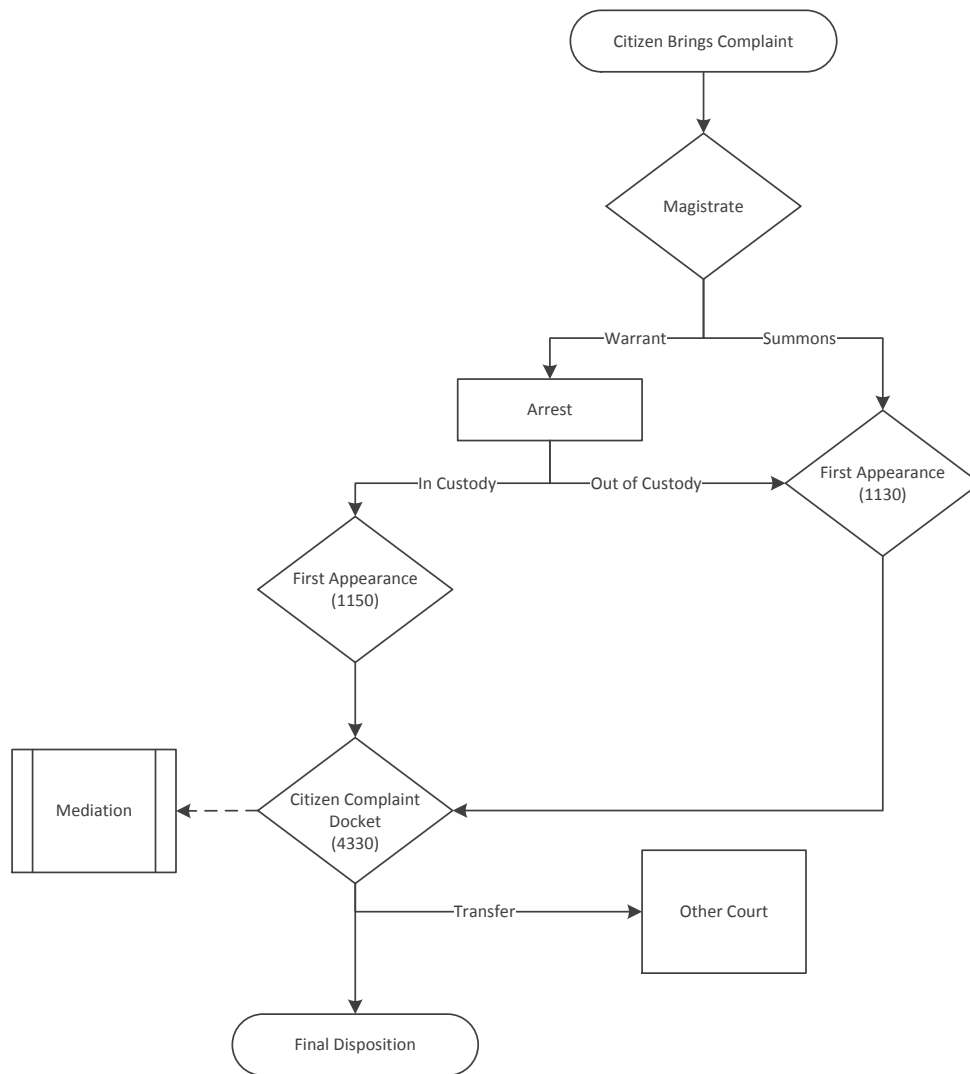
Mediation

Mediation was offered to 235 persons. The majority (80 percent) agreed to participate. Seventy-eight percent of mediated cases were successfully resolved.

⁹ This table was constructed using a random sample (n=386) of all charges before the court. Percentages are rounded.

¹⁰ "All Others" includes: Interfere Emergency Communication, Shoplifting Concealment, Stalking - Intent to Cause, Hiring with Intent to Defraud, Cyberstalking, Poss Stolen Goods, Misdemeanor Aid and Abet, Misd Probation Violation, Drive Left of Center, Stalking - Intent to Place, DWLR, Uttering Forged Instrument, Assault on a Handicapped Person, DWI, Speeding, Hit/Run Fail Stop Prop Damage, Misd Death by Vehicle, and Littering Not >15 Lbs.

Appendix A. Citizen-Initiated Complaint Process



The District Attorney identifies cases suitable for the special docket at 1150 and 1130.

APPENDIX B
INCIDENT/INVESTIGATION REPORT

INCIDENT DATA		INCIDENT/INVESTIGATION REPORT				OCA		
Agency Name		INCIDENT/INVESTIGATION REPORT				Date / Time Reported		
ORI NC						Month Day Yr. Time Hrs.		
#1	Crime / Incident(s)	<input type="checkbox"/> Attempt <input type="checkbox"/> Complete		At Found		Last Known Secure		
	Crime Incident	<input type="checkbox"/> Attempt <input type="checkbox"/> Complete		Location of Incident		Offense Tract		
	Crime Incident	<input type="checkbox"/> Attempt <input type="checkbox"/> Complete		Premise Type		Victim Residence Type		
How Attacked or Committed		<input type="checkbox"/> Yes <input type="checkbox"/> No		Weapon / Tools		<input type="checkbox"/> Single Family <input type="checkbox"/> Multi Family		
# of Victims		Type: <input type="checkbox"/> Person <input type="checkbox"/> Business		Injury: <input type="checkbox"/> None <input type="checkbox"/> Minor <input type="checkbox"/> Loss of Teeth		Drug/Alcohol Use:		
<input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unk		<input type="checkbox"/> Broken Bones <input type="checkbox"/> Severe Lacerations <input type="checkbox"/> Internal <input type="checkbox"/> Unconscious <input type="checkbox"/> Other Major		<input type="checkbox"/> Yes <input type="checkbox"/> Unknown <input type="checkbox"/> No <input type="checkbox"/> N/A				
V1	Victim/Business Name (Last, First, Middle)			Victim of Crime #		DOB / Age		
	Home Address			Race		Sex		
	Employer Name/Address			Relationship To Offender		Resident Status		
	VYR Make Model Style Color Lic/Us Vin			<input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown		Home Phone		
Business Phone								
CODES: V=Victim (Denote V2, V3) O=Owner (if other than victim) R=Reporting Person (if other than victim) Type: <input type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown								
OTHERS INVOLVED	Code Name (Last, First, Middle)			Victim of Crime #		DOB / Age		
	Home Address			Race		Sex		
	Employer Name/Address			Relationship To Offender		Resident Status		
	Type: <input type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown			<input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown		Home Phone		
Business Phone								
Type: <input type="checkbox"/> Person <input type="checkbox"/> Business <input type="checkbox"/> Society <input type="checkbox"/> Government <input type="checkbox"/> Financial Institute <input type="checkbox"/> Religious <input type="checkbox"/> L.E. Officer Line of Duty <input type="checkbox"/> Other/Unknown								
Code Name (Last, First, Middle)		Victim of Crime #		DOB / Age		Race		
Home Address		Relationship To Offender		Resident Status		Home Phone		
Employer Name/Address		<input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown		Business Phone				
L=Lost S=Stolen R=Recovered D=Damaged Z=Seized B=Burned C=Counterfeit / Forged F=Found (Check "QJ" column if recovered for other jurisdiction)								
PROPERTY	Victim #		DCI Status		Value		QJ QTY	
	Property Description		Maker/Model		Serial Number			
Number of Vehicles Stolen		Number Vehicles Recovered						
ID	Officer Name		ID#		Officer Signature		Supervisor Signature	
	Complainant Signature		Case Status		Case Disposition:			
STATUS	<input type="checkbox"/> Further Investigation <input type="checkbox"/> Inactive <input type="checkbox"/> Closed/Cleared <input type="checkbox"/> Closed/Leads Exhausted		<input type="checkbox"/> Unfounded <input type="checkbox"/> Juvenile/No Custody <input type="checkbox"/> Extradition Declined <input type="checkbox"/> Cleared by Arrest <input type="checkbox"/> Refuse to Cooperate <input type="checkbox"/> Cleared by Arrest by Another Agency <input type="checkbox"/> Death of Offender <input type="checkbox"/> Prosecution Declined		Page ____ of ____			

Page 2

TCCA

SUSPECT

WITNESS

WABEATIVE

APPENDIX C
CRIMINAL COMPLAINT FOR A WARRANT OR SUMMONS

CRIMINAL COMPLAINT FOR A WARRANT OR SUMMONS

Complaint Number: _____

VICTIM INFORMATION

Name: _____ RACE: _____ Sex: _____ Date of Birth: _____

Home Address: _____ Home Phone: _____

City/State: _____

Work: Name of Company: _____ Work Phone: _____

Address: _____

City/State: _____

What hours/days do you work? _____

SUSPECT INFORMATION

Name: _____ RACE: _____ Sex: _____ Date of Birth: _____

Home Address: _____ Home Phone: _____

City/State: _____

Work: Name of Company: _____ Work Phone: _____

Address: _____

City/State: _____

What hours/days do you work? _____

QUESTIONS ABOUT THE INCIDENT

1. What did the suspect do? _____

2. If property damage, give amount. _____

3. Why did the suspect do this? _____

4. Where did this happen? _____

5. When did this happen? Time: _____ Date: _____

6. Who was with the suspect when this happened?

Name:

Address:

Phone

7. Who was with you?

Name:

Address:

Phone

8. Who else was there?

Name:

Address:

Phone

9. What do you want the courts to do? _____

10. Have you ever taken a warrant out on the suspect? If yes, state what charge, when and what happened in court.

11. Has the suspect ever taken a warrant out on you? If yes, state what charge, when, and what happened in court.

12. What is your relationship to the suspect?

____ Husband/Wife

____ Ex-Spouse

____ Girlfriend/Boyfriend

____ Ex-Girlfriend/Ex-boyfriend

____ Child/Parent

____ Family Member

____ Friend

____ Neighbor

____ Employee/Employer

____ Acquaintance

____ Stranger

____ Other (Explain)

13. Did you call the police about this complaint? _____

14. Did the police make a report? _____

When? _____

15. Was the victim hospitalized? _____

Where? _____

How long? _____

Did defendant have a weapon? _____

OTHER INFORMATION

THE INFORMATION PROVIDED IN THIS CRIMINAL COMPLAINT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature

Date

Magistrate Comments:

APPENDIX D

MECKLENBURG COUNTY ADMINISTRATIVE ORDER, 15 R 676 (2015)

MAY 11 2015

15 R 676

MAY 11 2015

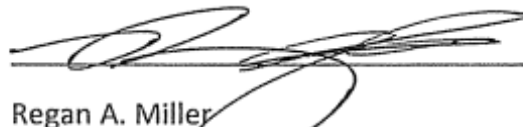
STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
COUNTY OF MECKLENBURG FILED 15 R 676

RE: Citizen Initiated Criminal Complaints	
Issuance of Summons	BY _____ ADMINISTRATIVE ORDER

The Local Rules of Criminal Procedure are hereby amended by adding a Section 16, entitled "Citizen Initiated Criminal Complaints," and said subsection shall read as follows:

- (a) Pursuant to G.S. § 15A-303, when a criminal charge is initiated by persons other than law enforcement officers acting in their official capacity or the District Attorney, magistrates shall issue a criminal summons upon a finding of probable cause returnable within thirty (30) days unless the magistrate determines that an arrest warrant should issue for reasons of public safety or the severity of the alleged crime.
- (b) If the summons is returned "not served," magistrates may issue a new summons or issue an order for the arrest of the defendant pursuant to G.S. § 15A-304.

This the 5 day of May, 2015.


Regan A. Miller
Chief District Court Judge

**Charlotte-Mecklenburg Community Relations Committee
Dispute Settlement Program**

600 East Trade Street
Charlotte, NC 28202
Phone: (704) 336-2903 Fax: (704) 336-5176

Agreement to Mediate

- 1) I agree that discussion at the Dispute Settlement Program is intended to be confidential and cannot be used by the District Attorney or the court for any purpose, except that mediators may have to disclose any information regarding abuse or neglect of a child or a disabled adult, membership and/or participation in gang activities, and a judge may require a mediator to disclose information regarding unrelated felonies discussed in mediation.
- 2) I agree that I will not involve the Dispute Settlement Program, the mediators, staff or records of the Dispute Settlement Program in any way, in any claim, or court proceeding.
- 3) I acknowledge that the Dispute Settlement Program cannot give any opinion regarding the legal effect of this Agreement to Mediate or any understandings that are reached. I understand that if I have questions about my legal rights, The Dispute Settlement Program recommends that I seek the advice of an attorney.
- 4) I acknowledge that this case will return to the court or other referring agency if an agreement is not reached.

_____/_____/____ Date
Signature of Party

_____/_____/____ Date
Signature of Party

_____/_____/____ Date
Signature of Party

_____/_____/____ Date
Signature of Party

APPENDIX G

DISPUTE SETTLEMENT PROGRAM – LETTER TO DISTRICT ATTORNEY

DISPUTE SETTLEMENT PROGRAM

600 East Trade Street, Suite 003
Charlotte, NC 28202-2861
Phone: (704)336-2903 FAX: (704)336-5176

Mr. Andrew Murray
District Attorney
700 East 4th Street
Charlotte, NC 28202

Re: Case of

Defendant: _____

Complainant: _____

Case No.: _____

Court Date: _____

Offense: _____

Dear Sir:

As a result of mediation, an agreement has been reached. We, the undersigned, request a dismissal of pending charges in the above case, this _____ day of _____, _____.

Defendant

Complainant

Mediator

Mediator

APPENDIX H

DISPUTE SETTLEMENT PROGRAM – EXIT SURVEY FOR DISPUTE SETTLEMENT PARTICIPANTS

Community Relations Committee Dispute Settlement Program

Exit Survey for Dispute Settlement Participants

Date: _____

I am the (circle one): Complainant Defendant

Please answer the following questions.

1. Do you understand the other person's point of view better now than you did before your mediation?
Yes or No
2. Do you think the other person understands your point of view better now than they did before your mediation?
Yes or No
3. Did you think you would solve your problem(s) in the mediation today? Yes or No
4. Did you reach an agreement in mediation today? Yes or No
5. If you did not reach an agreement today, were you at least able to say what you would like to have happen?
Yes or No
6. If you reached an agreement today, did both parties compromise and/or collaborate in order to reach the agreement?
Yes or No
7. Before mediation, did you feel like you would have control over how your dispute would be resolved?
Yes or No
8. What other options did you have available to resolve the problem? (Circle all that apply)
Court Ignoring the Problem Fighting (verbal/physical)
Other (please explain) _____
9. The next time you have a problem with someone, how do you anticipate on handling it?
Court Mediation Fighting (verbal/physical) Talking it out with the other person
Other (please explain) _____
10. Is there any additional information you would like to share regarding your feelings/opinions about mediation?

On a scale of 1 – 5, please rate the following:

1 = Unacceptable

2 = Disappointing

3 = Satisfactory

4 = Good

5 = Outstanding

Usefulness of services	1	2	3	4	5
Courtesy of staff	1	2	3	4	5
Expertise of staff	1	2	3	4	5
Responsiveness of staff	1	2	3	4	5

APPENDIX I

DISPUTE SETTLEMENT PROGRAM – OUTCOME SURVEY FOR DISPUTE SETTLEMENT PARTICIPANTS

Charlotte-Mecklenburg Community Relations Committee

Dispute Settlement Program

600 E. Trade St., Suite #003

Charlotte, NC 28202

704-336-2903

OUTCOME SURVEY FOR DSP PARTICIPANTS

The Dispute Settlement Program would like to thank you for participating in mediation. Your feedback will be used to help us enhance our program to better meet the needs of our community. Please take a few moments to complete this survey and return the survey in the postage paid envelope provided.

1. Please rate your satisfaction with the mediation process.
1 2 3 4 5
Dissatisfied No Opinion Very Satisfied
2. Did you keep your part of the agreement that you helped write? Yes No
Did the other person or person(s)? Yes No
3. Have you had the same problem since you came to mediation? Yes No
4. What did you like best about the mediation session?
5. What did you like least about the mediation session?
6. Would you consider using our mediation program for any future disputes?
Yes No
7. On a scale of 1 (one) through 5 (five), please rate the following:
1=Unacceptable 2=Disappointing 3=Satisfactory 4=Good 5=Outstanding

Usefulness of Services	1	2	3	4	5
Courtesy of Staff	1	2	3	4	5
Expertise of Staff	1	2	3	4	5
Responsiveness of Staff	1	2	3	4	5
8. Other Comments:

Thank you for sharing your experiences with us. If you ever have a problem that you would like to bring to mediation, please call us at 704-336-2903.